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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,351	07/26/2006	Atsushi Kurabayashi	040894-7478	6618
9629 7590 05/11/2009 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER				
CUMBESS, YOLANDA R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,351

Applicant(s)

KURABAYASHI ET AL.

Examiner

YOLANDA CUMBESS

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CI/CD)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 7/26/2006

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki Takeshi, (JP Patent Publication No. 2003-212425). Relative to claims 1-3, and 11, Sasaki discloses: binding processing apparatus (200)(Fig. 3) comprising: a punching device (21)(Fig. 3); a sheet table (42)(Fig. 3) on which sheets of paper punched by the punching device (21) are stacked (Para. 0007); a binding mechanism section in which a division ring type binder (T)(Fig. 1-2) is attached to punch holes (H)(Fig. 1-2) of one set of sheets of paper stacked on the sheet table (42); a first positioning mechanism for positioning the sheets of paper in a sheet conveyance direction (42d); and a second positioning mechanism (42b) for positioning the sheets of paper in a direction perpendicular to the sheet conveyance direction, wherein the first and the second positioning mechanism (42d, 42b) position the sheets of paper so that the punch holes on the sheets of paper agree with a binding piece at a time of binder attaching processing ((Para. 0007-0009); wherein the first positioning mechanism (42d)(Fig. 7) includes a sheet forward end position regulating plate capable of being retracted and provided at a forward end portion of the sheet table (42)(Fig. 7) as a

reference of aligning the forward end portions of the sheets of paper (Fig. 7), and after one set of sheets of paper is positioned, the sheet forward end position regulating plate (42d) is retracted and the one set of sheets of paper are sent to the binding mechanism section (Para. 0008-0009); wherein the second positioning mechanism (42b) is capable of being raised and retracted from the sheet table (42)(Para. 0009-0010); and a booklet discharge mechanism (42a)(Para. 0009) for discharging a booklet which has been subjected to the binding process (Fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Kunzmann (US Patent No. 4,537,545). Relative to claims 4-9, Sasaki discloses all claim limitations including: a movable clamp (106)(Fig. 7) for clamping the sheets of paper (P) after the sheets of paper have been positioned; the movable clamp (106) positions the sheets of paper; and the movable clamp (106) is released so as to prepare for a supply of the next sheets of paper (Para. 0011-0012).

Sasaki does not expressly disclose: an upper side slide pin capable of descending downward from an upper position of the sheet table to the sheet table, wherein the upper side slide pin is inserted into a punch hole formed on the sheets of

paper on the sheet table so as to position the sheets of paper on the basis of the punch hole; wherein the slide pin is retracted and the sheets of paper are sent to the binding mechanism section after the sheets of paper are clamped; wherein after the upper side slide pin positions the sheets of paper, the slide pin is retracted; a lower side slide pin capable of ascending upward from a lower portion of the sheet table; an upper side slide pin wherein the sheets of paper are positioned on the basis of the punch holes when the upper side and the lower side slide pin are inserted into the punch holes formed on the sheets of paper; wherein the upper and the lower side slide pins are retracted and the sheets of paper are sent to the binding mechanism section, after the sheets of paper are clamped; wherein the slide pin is retracted so as to prepare for a supply of the next sheets of paper, after the upper side slide pin positions the sheets of paper.

Kunzmann teaches: an upper side slide pin (4)(Fig. 3) capable of descending downward from an upper position of the sheet table to the sheet table, wherein the upper side slide pin is inserted into a punch hole (51)(Fig. 3) formed on the sheets of paper on the sheet table so as to position the sheets of paper on the basis of the punch hole (51); wherein the slide pin is retracted and the sheets of paper are sent to the binding mechanism section after the sheets of paper are clamped; wherein after the upper side slide pin (4) positions the sheets of paper, the slide pin (4) is retracted; a lower side slide pin (5)(Fig. 3) capable of ascending upward from a lower portion of the sheet table; an upper side slide pin (5) wherein the sheets of paper are positioned on the basis of the punch holes (51) when the upper side pin (4) and the lower side slide

pin (4) are inserted into the punch holes (51) formed on the sheets of paper; wherein the upper and the lower side slide pins (4, 5) are retracted and the sheets of paper are sent to the binding mechanism section, after the sheets of paper are clamped; wherein the slide pin (4, 5) is retracted so as to prepare for a supply of the next sheets of paper, after the upper side slide pin (4) positions the sheets of paper (Col. 3, lines 14-30)(lines 63-68; Col. 4, lines 1-30), in order to provide a method and apparatus for aligning a pile of sheets provided with perforations for bindings, which operates simply and reliably and which can be easily adapted for various circumstances (Col. 1, lines 39-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Sasaki with the upper and lower slide pins descending downward or ascending upwards into the punch holes to position the sheets as taught in Kunzmann in order to provide a method and apparatus for aligning a pile of sheets provided with perforations for bindings, which operates simply and reliably and which can be easily adapted for various circumstances.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Coombs et al (US Patent No. 6,330,999). Sasaki discloses all claim limitations, but does not expressly disclose: a sheet table moving mechanism for advancing the sheet table to the binding mechanism section and for retracting the sheet table from the binding mechanism section; or a sheet table rotating mechanism for rotating the sheet table from a position opposed to the binding mechanism section so as to discharge the sheets of paper.

Coombs teaches a sheet table moving mechanism (Col. 4, lines 55-65) for advancing the sheet table (T1) to the binding mechanism section and for retracting the sheet table (T1) from the binding mechanism section; and a sheet table rotating mechanism (Col. 4, lines 40-50) for rotating the sheet table (T1) from a position opposed to the binding mechanism section so as to discharge the sheets of paper for the purpose of providing a relatively compact sheet processing apparatus that is constructed to successively receive sheets from an copying or printing machine, accumulate them on a tray for binding, and which discharges the sheet sets to reserve space (Col. 1, lines 54-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Sasaki with the sheet table moving mechanism, and sheet table rotating mechanism as taught in Coombs for the purpose of providing a relatively compact sheet processing apparatus that is constructed to successively receive sheets from an copying or printing machine, accumulate them on a tray for binding, and which discharges the sheet sets to reserve space.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Yamada (US Patent No. 5,762,328). Relative to claims 12-13, Sasaki discloses all claim limitations, but does not expressly disclose: wherein the discharge mechanism the booklets being successively and alternately shifted from each other in a lateral direction so that the rings of the binder attached to the next row of booklet can enter spaces formed between the rings of the binder attached to the front row of

booklet; or the booklet discharge mechanism successively shifts a falling position of the booklet in a longitudinal direction so that the ring binders of the booklets can not be overlapped on each other.

Yamada teaches: a discharge mechanism (12), wherein the booklets being successively and alternately shifted from each other in a lateral direction so that the rings of the binder attached to the next row of booklet can enter spaces formed between the rings of the binder attached to the front row of booklet; and the booklet discharge mechanism successively shifts a falling position of the booklet in a longitudinal direction so that the ring binders of the booklets cannot be overlapped on each other (Col. 3, lines 39-60), in order to provide an paper treating apparatus in which a conveying resistance can be stably applied while discharging a sheet bundle to reliably and productively produce bound sheet bundles (Col. 1, lines 59-67, Col. 2, lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Sasaki with the booklets being successively and alternately shifted as taught in Yamada in order to provide an paper treating apparatus in which a conveying resistance can be applied while discharging a sheet bundle to reliably and productively bounds sheet bundles.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Schluckebier et al (US Patent No. 3,269,720). Sasaki discloses all claim limitations, but does not expressly disclose: a container for receiving booklets discharged after the completion of biding processing, wherein the container includes

partitions for dividing the discharged booklets one by one, and the booklet discharge mechanism discharges the booklets one by one into the spaces divided by the partitions; a container for receiving booklets discharged after the completion of binding processing; a plurality of vertical type slats respectively provided on the right and the left in the container; and a longitudinally moving mechanism of moving the vertical slats, wherein the right and the left vertical type slats are synchronously driven, and the booklets, which are discharged after the completion of binding processing, are accommodated in the spaces, which are divided by the vertical type slats one by one.

Schluckebier teaches: a container (11)(Fig. 1) for receiving booklets (27) discharged after the completion of binding processing, wherein the container (11) includes partitions (see partitions near Ref. 27, see also Ref.30) for dividing the discharged booklets one by one, and the booklet discharge mechanism discharges the booklets one by one into the spaces divided by the partitions (Fig. 1); a container (11) for receiving booklets discharged after the completion of binding processing; a plurality of vertical type slats (see vertical slats near Ref. 27, see also Ref. 30) respectively provided on the right and the left in the container (Fig. 1); and a longitudinally moving mechanism of moving the vertical slats (26a,b)(31), wherein the right and the left vertical type slats are synchronously driven, and the booklets (27), which are discharged after the completion of binding processing, are accommodated in the spaces, which are divided by the vertical type slats one by one (Col. 4, lines 10-60).

Schluckebier teaches the container for receiving booklets as mentioned above, in order to provide an apparatus for separating sheet elements and moving them through a

feed path, further delivering the sets of sheet elements for arrangement into fixed stacks (Col. 1, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Sasaki with the container for receiving booklets as taught in Schluckebier in order to provide an apparatus for separating sheet elements and moving them through a feed path, further delivering the sets of sheet elements for arrangement into fixed stacks.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOLANDA CUMBESS whose telephone number is (571)270-5527. The examiner can normally be reached on MON-THUR 9AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE CRAWFORD can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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